

General Docket
Seventh Circuit Court of Appeals

Court of Appeals Docket #: 10-2259**Docketed:**

USA v. Dale Russell

05/21/2010

Appeal From: Southern District of Indiana,
Indianapolis Division**Fee Status:** In Forma Pauperis**Case Type Information:**

- 1) criminal
- 2) sentence
- 3) -

Originating Court Information:**District:** 0756-1 : [1:08-cr-00004-SEB-KPF-1](#)**Court Reporter:** Laura Howie-Walters, Court Reporter**Sentencing Judge:** Sarah Evans Barker, District Court Judge**Date Filed:** 01/08/2008**Date Order/Judgment:**

05/19/2010

Date NOA Filed:

05/19/2010

Prior Cases:

None

Current Cases:

None

UNITED STATES OF AMERICA
Plaintiff - Appellee

A. Brant Cook, Attorney

Terminated: 12/22/2010

Direct: 317-226-6333

[COR LD NTC US Attorney]

OFFICE OF THE UNITED STATES
ATTORNEY

Suite 2100

Ten W. Market Street

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Gayle L. Helart, Attorney
Direct: 317-226-6333
[COR LD NTC US Attorney]
OFFICE OF THE UNITED STATES
ATTORNEY
Suite 2100
Ten W. Market Street
Indianapolis, IN 46204-3048

v.

DALE RUSSELL (Federal Prisoner:
#56938-112)

Defendant - Appellant

Jessie A. Cook, Attorney
Direct: 812-232-4634
[COR LD NTC CJA Appointment]
Suite 212
400 Wabash Avenue
Terre Haute, IN 47807

Dale Russell
Terminated: 12/08/2010
[NTC Pro Se]
UNITED STATES PENITENTIARY

P.O. Box 24550
Tucson, AZ 85734-0000

UNITED STATES OF AMERICA,
Plaintiff - Appellee

v.

DALE RUSSELL,
Defendant - Appellant

05/21/2010 [1](#) Criminal case docketed. IFP. Transcript information sheet
due by 06/04/2010. Docketing Statement due for

Appellant Dale Russell by 05/26/2010. Appellant's brief due on or before 06/30/2010 for Dale Russell. [1] [10-2259]

06/04/2010 [2](#) ORDER: Appellant Dale Russell is directed to file the overdue Docketing Statement within 14 days from the date of this Rule to Show Cause. [2] CC. Docketing statement response due for Appellant Dale Russell by 06/18/2010. Sent Certified Mail with return receipt requested. Receipt Number: 70092250000407051565. [10-2259]

06/09/2010 [3](#) Appearance form filed by Attorney Jessie A. Cook for Appellant Dale Russell. [6227544][3] [10-2259]

06/09/2010 [4](#) Disclosure Statement filed by Attorney Jessie A. Cook for Appellant Dale Russell and Party Dale Russell. [4] [10-2259]

06/09/2010 [5](#) Docketing statement filed by Appellant Dale Russell. [6227547][5] [10-2259]

06/15/2010 TEXT ENTRY: Attorney Jessie A. Cook for Appellant Dale Russell is APPOINTED pursuant to the Criminal Justice Act. DW [6228610] [10-2259]

07/14/2010 [6](#) ORDER: Appellant Dale Russell is directed to showcause as to why disciplinary action should not be taken pursuant to C.R. 31(c)(1), for failing to prosecute this appeal. RT. [6] Briefing is SUSPENDED pending further court order. Sent Certified Mail with return receipt requested. Receipt Number: 7008 1140 0001 9434 6774. [6] [6235831] [10-2259]

07/27/2010 [7](#) Motion filed by Appellant Dale Russell to extend time to file appellant's brief. [6239154] [10-2259]

07/27/2010 [8](#) Filed Showcause Response by Dale Russell. [[6](#)]. [8] [6239220] [10-2259]

07/27/2010 [9](#) Motion filed by Appellant Dale Russell to file belated motion for extension of time within which to file

appellant's brief. [6239230] [10-2259]

07/27/2010 [10](#) ORDER re: 1. Verified Response to Rule To Show Cause Criminal Appeal for Appellant. 2. Verified Motion for Leave to File Belated Motion for Extension of Time within which to File Appellant's Brief. 3. Belated Motion for Extension of Time within which to File Appellant's Brief. IT IS ORDERED that #2 is GRANTED. The clerk of this court shall file INSTANTER the tendered copies of #3. IT IS FURTHER ORDERED that #3 is GRANTED. The briefing schedule is as follows: Appellant's brief due on or before 08/27/2010 for Dale Russell. Appellee's brief due on or before 09/27/2010 for United States of America. Appellant's reply brief, if any, is due on or before 10/12/2010 for Appellant Dale Russell. IT IS FINALLY ORDERED that the Rule to Show Cause is SUSPENDED pending compliance with this order. CMD [\[7\]](#); [\[9\]](#), [10] [6239319] [10-2259]

08/23/2010 [11](#) Motion filed by Appellant Dale Russell to extend time to file appellant's brief. [6245975] [10-2259]

08/24/2010 [12](#) Order issued GRANTING motion to extend time to file appellant's brief. [[11](#)] Appellant's brief due on or before 09/27/2010 for Dale Russell. Appellee's brief due on or before 10/27/2010 for United States of America. Appellant's reply brief, if any, is due on or before 11/10/2010 for Appellant Dale Russell. CMD [12] [6245978] [10-2259]

09/17/2010 [13](#) Motion filed by Appellant Dale Russell to extend time to file appellant's brief. [6252663] [10-2259]

09/20/2010 [14](#) Order issued GRANTING motion to extend time to file appellant's brief [[13](#)] Appellant's brief due on or before 10/27/2010 for Dale Russell. Appellee's brief due on or before 11/26/2010 for United States of America. Appellant's reply brief, if any, is due on or before 12/10/2010 for Appellant Dale Russell JKL [14] [6252713] [10-2259]

- 10/29/2010 [15](#) 15 copies Appellant's brief filed by Appellant Dale Russell. [6262570] [15] Disk Filed. [15] [6262570] [10-2259]
- 11/05/2010 [16](#) Motion filed by Appellee USA to extend time to file appellee's brief. [6264132] [10-2259]
- 11/08/2010 [17](#) Order issued GRANTING motion to extend time to file appellee's brief. [16](#) Appellee's brief due on or before 12/27/2010 for United States of America. Appellant's reply brief, if any, is due on or before 01/10/2011 for Appellant Dale Russell. CMD [17] [6264297] [10-2259]
- 11/29/2010 [18](#) Pro se motion filed by Appellant Dale Russell to amend brief and appointment of replacement counsel. [6268906] [10-2259]
- 11/30/2010 [19](#) ORDER: Attorney Jessie A. Cook for Dale Russell shall file a response to Appellant Russell's motion to amend brief and appointment of replacement counsel. DW Attorney's response due for Jessie A. Cook, Attorney by 12/07/2010. [19] [6269238] [10-2259]
- 12/07/2010 [20](#) Filed Attorney Response by Jessie A. Cook for Dale Russell to court's order of November 30, 2010. [20] [6271140] [10-2259]
- 12/08/2010 [21](#) On consideration of the "MOTION TO AMEND BRIEF AND APPOINTMENT OF REPLACEMENT COUNSEL" filed pro se by defendant-appellant Dale Russell on November 29, 2010, and the "VERIFIED RESPONSE TO COURT'S ORDER OF NOVEMBER 30, 2010" filed by attorney Jessie A. Cook on December 7, 2010, IT IS ORDERED that the "MOTION TO AMEND BRIEF AND APPOINTMENT OF REPLACEMENT COUNSEL" is DENIED. [18](#) [18](#) DW [21] [6271150] [10-2259]
- 12/22/2010 [22](#) Attorney A. Brant Cook for USA in 10-2259 terminated and added Attorney Gayle L. Helart for Appellee USA, in case 10-2259 per appearance form. Appearance Form filed

by Attorney Gayle L. Helart for Appellee USA, in case 10-2259. [22] [6274806] [10-2259]

12/22/2010 [23](#) 15 copies Appellee's brief filed by Appellee USA. [6274919] [23] Disk Filed. [23] [6274919] [10-2259]

01/06/2011 [24](#) Argument set for Monday, February 7, 2011, at 10:00 a.m. in the Main Courtroom, Room 2721. Each side limited to 15 minutes. [24] [6277519] [10-2259]

01/06/2011 [25](#) Motion filed by Appellant Dale Russell to extend time to file appellant's reply brief. [6277834] [10-2259]

01/07/2011 [26](#) Order issued: On January 6, 2011, the court scheduled oral argument in the appeal for February 7, 2011. Accordingly, IT IS ORDERED that the motion for extension of time within which to file appellant's reply brief is GRANTED to the extent that the appellant's reply brief, if any, is due by January 21, 2011. No further extensions of time will be granted. [[25](#)] JKL [26] [6277977] [10-2259]

01/10/2011 [27](#) Original record on appeal filed electronically. Contents of record : 1 vol. of pleadings; 3 sealed documents. [27] [6278078] [10-2259]

01/10/2011 [28](#) Filed electronic transcript of proceedings held on 03/01/10, 03/02/10, 03/03/10, 05/17/10. [28] [6278083] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [10-2259]--[Edited 01/21/2011 by JAD]

01/10/2011 Received argument confirmation per argument email form for Attorney Ms. Gayle L. Helart for Appellee USA. [6278143-2] [6278143] [10-2259]

01/21/2011 [29](#) 15 copies Appellant's reply brief filed by Appellant Dale Russell. [6281281] [29] Disk Filed. DIST. [29] [6281281] [10-2259]

01/31/2011 Received argument confirmation per argument card for Attorney Ms. Gayle L. Helart for Appellee USA.

[6283035-2] [6283035] [10-2259]

02/07/2011 30 Supplemental paper record on appeal filed. Contents of
record : 3 vol. of exhibits; 1 sealed envelope. [30]
[6284617] [10-2259]